

House Committee on Civil Law and Procedure

Minutes of Meeting
2022 Regular Session
May 23, 2022

I. CALL TO ORDER

Representative Gregory A. Miller, chairman of the House Committee on Civil Law and Procedure, called the meeting to order at 10:13 a.m. in Room 4, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Gregory A. Miller, chairman
Representative Beryl A. Amedée
Representative Delisha Boyd
Representative Chad Brown
Representative Robby Carter
Representative Wilford Dan Carter, Sr.
Representative Michael Charles Echols
Representative Julie Emerson
Representative Lawrence "Larry" Frieman
Representative Raymond E. Garofalo, Jr.
Representative Valarie Hodges
Representative Patrick O. Jefferson
Representative Sam L. Jenkins, Jr.
Representative Michael T. Johnson, vice chairman
Representative Nicholas Muscarello, Jr.
Representative Richard James Nelson
Representative Alan Seabaugh

MEMBERS ABSENT:

Representative Danny McCormick

STAFF MEMBERS PRESENT:

Annie Smith, attorney
Amy Pirtle, attorney
Megan Sanders, committee administrative assistant

ADDITIONAL ATTENDEES PRESENT:

Michael McCain, clerk
Bella Taylor, clerk
Angela McKnight, sergeant at arms
Danny Leming, sergeant at arms
Anthony Long, communications
Jaubert Ambeau, computer center
Clarence Russ, sergeant at arms

III. DISCUSSION OF LEGISLATION**Senate Bill No. 484 by Senator Luneau**

Senator Luneau presented Senate Bill No. 484, which authorizes a commercial insurer to select a forum or venue in a policy form.

Ricky Jenkins, Louisiana Surplus Lines Association, P.O. Box 8585, Mandeville, LA 70470, (985) 778-9331, spoke in opposition to Senate Bill No. 484.

Vice Chairman Mike Johnson in the chair.

Stephen M. Gele', Prime Insurance Company, Smith & Fawer, LLC, 201 St. Charles Ave., Ste. 3702, New Orleans, LA 70170, (504) 593-6085, spoke in opposition to Senate Bill No. 484.

Chairman Gregory Miller in the chair.

Steve Duke, LA Surplus Lines Association, P.O. Box 80029, Baton Rouge, LA 70898, (225) 324-6960, spoke in opposition to Senate Bill No. 484.

Representative Robby Carter offered a motion to report Senate Bill No. 484 favorably, to which Representative Seabaugh objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 6 yeas, 8 nays, and 1 abstention. Representatives Robby Carter, Wilford Carter, Jefferson, Jenkins, Muscarello, and Nelson voted yea. Representatives Amedee, Echols, Emerson, Frieman, Garofalo, Hodges, Mike Johnson, and Seabaugh voted nay. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to involuntarily defer action on Senate Bill No. 484. Without objection, action on Senate Bill No. 484 was involuntarily deferred by a vote of 15 yeas and 0 nays. Representatives Gregory Miller, Amedee, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, Muscarello, Nelson, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 7 in opposition and 1 for information only. Witness cards are included in the committee records.

Senate Bill No. 75 by Senator Fields

Senator Fields presented Senate Bill No. 75, a constitutional amendment, which would require Senate confirmation of certain members of the State Police Commission.

Representative Gregory Miller offered an amendment to change the ballot language. Representative Gregory Miller offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 14 yeas and 0 nays. Representatives Gregory Miller, Amedee, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, Muscarello, and Nelson voted yea.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to Senate Bill No. 75, which stated that the measure could not be accomplished statutorily and would, therefore, require a constitutional amendment. Without objection, the House Rule 6.8(A) Report to Senate Bill No. 75 was adopted by a vote of 14 yeas and 0 nays. Representatives Gregory Miller, Amedee, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, Muscarello, and Nelson voted yea.

Representative Jenkins offered a motion to report Senate Bill No. 75 with amendments. Without objection, Senate Bill No. 75 was reported with amendments by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, Muscarello, and Nelson voted yea. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 1 for information only. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in support. Copies of these statements are included in the committee records.

Senate Bill No. 160 by Senator Fields

Senator Fields presented Senate Bill No. 160, a constitutional amendment, which would require Senate confirmation for gubernatorially appointed members of the State Civil Service Commission.

Representative Gregory Miller offered an amendment to change the ballot language. Representative Gregory Miller offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Gregory Miller, Amedee,

Robby Carter, Wilford Carter, Echols, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, Muscarello, and Nelson voted yea.

Representative Gregory Miller offered a motion to adopt the House Rule 6.8(A) Report to Senate Bill No. 160, which stated that the measure could not be accomplished statutorily and would, therefore, require a constitutional amendment. Without objection, the House Rule 6.8(A) Report to Senate Bill No. 160 was adopted by a vote of 12 yeas and 0 nays. Representatives Gregory Miller, Amedee, Robby Carter, Wilford Carter, Echols, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, Muscarello, and Nelson voted yea.

Representative Jefferson offered a motion to report Senate Bill No. 160 with amendments. Without objection, Senate Bill No. 160 was reported with amendments by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Amedee, Robby Carter, Wilford Carter, Echols, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, Muscarello, and Nelson voted yea. Representative Gregory Miller abstained.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in support. Copies of these statements are included in the committee records.

Senate Bill No. 130 by Senator Connick

Senator Connick presented Senate Bill No. 130, which provides for liberative prescription.

Vice Chairman Mike Johnson in the chair.

Chairman Gregory Miller in the chair.

Rodney Braxton, State Farm, 543 Spanish Town Rd., Baton Rouge, LA 70802, (225) 381-0166, spoke in opposition to Senate Bill No. 130.

Kevin Cunningham, APCIA, 543 Spanish Town Rd., Baton Rouge, LA 70802, (225) 381-0166, spoke in opposition to Senate Bill No. 130.

Renee Amar, Louisiana Motor Transport Association, 4838 Bennington Ave., Baton Rouge, LA 70808, spoke in opposition to Senate Bill No. 130.

Representative Nelson offered a motion to report Senate Bill No. 130 favorably, to which Representative Seabaugh objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 7 yeas, 8 nays, and 1 abstention. Representatives Brown, Robby Carter, Wilford Carter, Jefferson, Jenkins, Muscarello, and Nelson voted yea. Representatives Amedee, Echols,

Emerson, Frieman, Garofalo, Hodges, Mike Johnson, and Seabaugh voted nay. Representative Gregory Miller abstained.

Representative Gregory Miller offered a motion to involuntarily defer action on Senate Bill No. 130. Without objection, action on Senate Bill No. 130 was involuntarily deferred by a vote of 16 yeas and 0 nays. Representatives Gregory Miller, Amedee, Brown, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Garofalo, Hodges, Jefferson, Jenkins, Mike Johnson, Muscarello, Nelson, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 in opposition. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in support. Copies of these statements are included in the committee records.

Senate Bill No. 149 by Senator Talbot

Senator Talbot presented Senate Bill No. 149, which provides for delictual actions, and he requested the committee voluntarily defer action.

At the request of the author, Representative Mike Johnson offered a motion to voluntarily defer action on Senate Bill No. 149. Without objection, action on Senate Bill No. 149 was voluntarily deferred by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedee, Brown, Robby Carter, Echols, Frieman, Jefferson, Mike Johnson, Muscarello, Nelson, and Seabaugh voted yea. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 6 in opposition. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in support. Copies of these statements are included in the committee records.

House Bill No. 1022 by Representative Amedee

Representative Amedee presented House Bill No. 1022, which provides for a cause of action for mandating, recommending, or administering certain products.

Mary Susie Labry, on behalf of Carolina Mantiero, 40128-B Emerald Dr., Ponchatoula, LA 70454, (225) 235-7879, spoke in support of House Bill No. 1022.

Abigail Licatino, 201 S. Tallowood Dr., Covington, LA 70433, (713) 382-8212, spoke in support of House Bill No. 1022.

David Eaton, 109 Catamaran Dr., Youngsville, LA 70592, (337) 739-3199, spoke in support of House Bill No. 1022.

Fiorella Trapani, Health Freedom Louisiana, 4412 Lefkoe St., Metairie, LA 70006, (504) 957-7523, spoke in support of House Bill No. 1022.

Angelia Desselle, 2917 Monica Ln., Marrero, LA 70072, (504) 407-6463, spoke in support of House Bill No. 1022.

Christy Haik, 1377 Steele Blvd., Baton Rouge, LA 70806, (225) 803-4746, spoke in support of House Bill No. 1022.

Representative Gregory Miller offered a motion to recess until adjournment. Without objection, the motion passed by a vote of 11 yeas and 0 nays. Representatives Gregory Miller, Amedee, Brown, Echols, Frieman, Garofalo, Hodges, Jefferson, Muscarello, Nelson, and Seabaugh voted yea.

The committee recessed at 12:56 p.m.

Representative Gregory Miller offered a motion to reconvene. Without objection, the motion passed by a vote of 11 yeas and 0 nays. Representatives Gregory Miller, Amedee, Boyd, Echols, Emerson, Frieman, Garofalo, Hodges, Mike Johnson, Muscarello, and Seabaugh voted yea.

The committee reconvened at 6:22 p.m.

Jill Hines, Health Freedom Louisiana, 1307 Mesa Ave., Ruston, LA 71270, (904) 318-6018, spoke in support of House Bill No. 1022.

Dr. Kathleen Willis, 42386 Forest View Place, Ponchatoula, LA 70454, (985) 705-0026, spoke in support of House Bill No. 1022.

Chad Lemoine, 4012 Lake Limestone Ct., Baton Rouge, LA 70816, (225) 241-2798, spoke in support of House Bill No. 1022.

Jennifer Herricks, PHD, Louisiana Families for Vaccines, P.O. Box 15021, Baton Rouge, LA 70895, (713) 898-2051, spoke in opposition to House Bill No. 1022.

Representative Amedee offered a motion to report House Bill No. 1022 favorably, to which Representative Jefferson objected. The administrative assistant called the roll, and House Bill No. 1022 was reported favorably by a vote of 9 yeas, 2 nays, and 1 abstention. Representatives Amedee,

Echols, Emerson, Frieman, Garofalo, Hodges, Mike Johnson, Muscarello, and Seabaugh voted yea. Representatives Boyd and Jefferson voted nay. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 14 in support and 31 in opposition. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 417 in support, 2 in opposition, and 1 for information only. Copies of these statements are included in the committee records.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 6:48 p.m.

Respectfully submitted,

Chairman Gregory A. Miller
House Committee on Civil Law and Procedure